

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-3, 5, 6, 8-14, 16-18, 20-22, 24-26, and 28 are pending in this application. Claims 1, 5, 6, 9-12, 14, 18, 22, and 26 are amended. Claims 7, 15, 19, 23 and 27 are cancelled by this Amendment. Claims 1 and 9-12 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. Action, summary at 12.

**Rejections under 35 U.S.C. § 101**

Claims 1-8 stand rejected under 35 U.S.C. § 101 because the Office Action stated that when nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. The Applicant respectfully traverses this rejection.

Claim 1 is amended and believed to be statutory. In particular, claim 1 specifies the computer readable medium includes executable management information instructing a reproducing device. Accordingly, Applicants submit that claim 1 now recites a computer-readable medium including functional descriptive material and thus, is statutory. Further, Applicants note that claims 2-8 depend from claim 1 and thus are also believed to be statutory.

Applicants, therefore, respectfully requests that the rejection to Claims 1-8 under 35 U.S.C. § 101 be withdrawn.

**Rejections under 35 U.S.C. § 112**

Claims 1-8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action alleges the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. There is no description for “computer readable medium” in the specification. The Applicant respectfully traverses this rejection.

Several portions of the specification refer to a recording medium, optical disk, Blu-ray disc, etc. Applicants submit that at least these portions provide support for the use of the terms “computer-readable medium”. Applicants submit that one skilled in the art at the time of the invention would recognize the above portions of the specification as providing support for the computer-readable medium. However, if the Examiner would prefer the claims be amended to recite recording medium or optical disk, Applicants would consider doing so.

As such, Applicants request the rejection to claim 1-8 under 35 U.S.C. § 112, first paragraph be withdrawn and/or the Examiner clarify how he would like to preamble of the claim to be amended to address both this rejection as well as the above rejection under 35 U.S.C. § 101.

**Rejections under 35 U.S.C. § 102**

Claims 1-3, 8-13, 16, 17, 20, 21, 24, 25, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,923,627 to Miwa et al. (“Miwa”). The Applicant respectfully traverses these rejections.

The Office Action appears to assert the “item information” of Miwa corresponds to the “palette information segment” recited in the claims. However, item information is not indicative

of color information. Though the item information includes color information, the item information is indicative of a composite like "menu". Please refer to the column 19, line 60~ column 20, line 11 of Miwa. Further, in Miwa, a separate color information segment does not exist. Color information is mixed with other information and the color information is one element included in the item information.

The Office Action also seems to indicate that item numbers in Miwa are used to identify the color pattern. In Miwa, the item information is included in the highlight information and the numbers of item information is not used for reference. Rather than the numbers of item information are just numbers and not identifiers.

According to example embodiments of the instant application, the "graphic image reproduction information segment" does not include "palette information segment" itself. And palette IDs are referred to by the "graphic image reproduction information segment". As such, Applicants submit that Miwa at least fails to disclose, teach or suggest "each palette information segment providing color information and opacity information for the associate color information" and that "each palette information segment has an identifier and the at least one graphic image reproduction segment refers to one or more palette information segments using the identifier of the palette information segment during reproduction of the one or more graphic images," as recited in claim 1, or the similar features of independent claims 9-12.

Therefore, Applicants respectfully requests that the rejection to Claims 1-3, 8-13, 16, 17, 20, 21, 24, 25, and 28 under 35 U.S.C. § 102(b) be withdrawn.

#### **Rejections under 35 U.S.C. § 103**

Claims 5, 6, 14, 18, 22, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miwa applied to claims 1-3, 8-13, 16, 17, 20, 21, 24, 25, and 28 above, and

further in view of U.S. Patent 5,912,710 to Fujimoto ("Fujimoto"). Applicants respectfully traverse this rejection.

In particular, the Examiner cites column 6, lines 15-39 of Fujimoto regarding a blending ratio. However, the blending ratio of Fujimoto indicates a ratio for combination of motion pictures and graphic data. Applicants submit this is different from example embodiments describing a blending ratio that indicates opacity (or transparency) level. However, Applicants note that to avoid confusion, the terms "blending ratio" from claims 5, 6, 14, 18, 22, and 26 has been removed. Further, Applicants submit that even if Fujimoto is combinable with Miwa, which Applicants do not admit, Fujimoto fails to cure the deficiencies of Miwa with respect to the independent claims discussed above.

Therefore, Applicants respectfully request that the rejection of claims 5, 6, 14, 18, 22, and 26 under 35 U.S.C. § 103(a) be withdrawn.

Claims 7, 15, 19, 23, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miwa as applied to claims 1-3, 8-13, 16, 17, 20, 21, 24, 25, and 28 above, and further in view of Official Notice. Claims 7, 15, 19, 23 and 27 are cancelled thereby rendering this rejection moot. Therefore, Applicants respectfully requests that the rejection to claims 7, 15, 19, 23, and 27 under 35 U.S.C. § 103(a) be withdrawn.

### **CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the February 22, 2008 Office Action and submit the required extension fee of \$460.00 herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Gary Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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